

Appl. No. 10/603,235
Amdt. dated August 16, 2004
Reply to Office action of June 4, 2004

REMARKS/ARGUMENTS

Regarding Examiner's objections to claim 10, support for the exterior of the pipe sleeve being textured is found in the Specification at p. 9, lines 10-13. "For example, any suitable shape or external modifications may be made to the pipe sleeve to help it blend into the house to which it is attached. The plastic may be covered with another material, otherwise colored, or modified to alter its aesthetic appearance. Similarly, any suitable material may be used for the outer sleeve, such as metal or a variety of weather-treated woods may be used instead of the plastic described." A covering could impart texture to the plastic pipe sleeve. Texturing is a modification that alters aesthetic appearance. Furthermore, many types of wood are textured, of which the pipe sleeve could be made. The shading of the exterior of the pipe sleeve in Figure 1 also denotes the presence of texture. Therefore, Applicant believes sufficient support exists in both the Specification and Drawings for claim 10.

Claims 1-6 and 8-20 remain in this application. Claim 7 has been canceled.

Claim 1, as amended, overcomes the 35 U.S.C. 103(a) rejection because it has been amended to include the invention having a pipe sleeve with opposing open ends and a channel having opposing ends such that the pipe protrudes from the opposing open ends of the channel and the opposing open ends of the pipe sleeve. Support for the amendment to specify that the pipe sleeve has opposing open ends and a channel having opposing ends such that the pipe protrudes from the opposing open ends of the channel and the opposing open ends of the pipe sleeve is found in the Specification at p. 6, lines 4-5, and in Figs. 1-3. The cited and relied upon Nachbauer (5,927,111) does not have opposing open ends with a pipe protruding from them (Figs. 1, 2, and 4-6). It would not be obvious to combine Nachbauer with the cited and relied upon Johnson (3,818,949), Hughes et al. (5,391, 840, or Schneider (3,556,158) to add opposing open ends with a pipe protruding from them to Nachbauer. Nachbauer "...is configured to secure a building water faucet from unauthorized use," (Abstract, lines 1-2). Such a combination

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would completely defeat the purpose of Nachbauer because the pipe would be exposed, permitting unauthorized use. Unlike Nachbauer, the current invention allows one enclosed pipe to protrude from both ends. Unlike the other cited prior art, the current invention pivotably attaches its left side and right side to one another, facilitating installation and future access to the enclosed pipe without requiring complete disassembly of the insulated pipe concealer. The dependent claims 2-6 and 8-15 add additional novel features to the independent claims recited above and thus are submitted to be a-fortiori, patentable.

Claim 16, as amended, overcomes the 35 U.S.C. 103(a) rejection because it has been amended to include the invention having a pipe sleeve with opposing open ends and a channel having opposing ends such that the pipe protrudes from the opposing open ends of the channel and the opposing open ends of the pipe sleeve. Support for the amendment to specify that the pipe sleeve has opposing open ends and a channel having opposing ends such that the pipe protrudes from the opposing open ends of the channel and the opposing open ends of the pipe sleeve is found in the Specification at p. 6, lines 4-5, and in Figs. 1-3. The cited and relied upon Nachbauer (5,927,111) does not have opposing open ends with a pipe protruding from them (Figs. 1, 2, and 4-6). It would not be obvious to combine Nachbauer with the cited and relied upon Johnson (3,818,949), Hughes et al. (5,391, 840, or Schneider (3,556,158) to add opposing open ends with a pipe protruding from them to Nachbauer. Nachbauer "...is configured to secure a building water faucet from unauthorized use," (Abstract, lines 1-2). Such a combination would completely defeat the purpose of Nachbauer because the pipe would be exposed, permitting unauthorized use. Unlike Nachbauer, the current invention allows one enclosed pipe to protrude from both ends. Unlike the other cited prior art, the current invention pivotably attaches its left side and right side to one another, facilitating installation and future access to the enclosed pipe without requiring complete disassembly of the insulated pipe concealer.

Claim 17, as amended, overcomes the 35 U.S.C. 103(a) rejection because it has

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been amended to include the invention having a pipe sleeve with opposing open ends and a channel having opposing ends such that the pipe protrudes from the opposing open ends of the channel and the opposing open ends of the pipe sleeve. Support for the amendment to specify that the pipe sleeve has opposing open ends and a channel having opposing ends such that the pipe protrudes from the opposing open ends of the channel and the opposing open ends of the pipe sleeve is found in the Specification at p. 6, lines 4-5, and in Figs. 1-3. The cited and relied upon Nachbauer (5,927,111) does not have opposing open ends with a pipe protruding from them (Figs. 1, 2, and 4-6). It would not be obvious to combine Nachbauer with the cited and relied upon Johnson (3,818,949), Hughes et al. (5,391, 840, or Schneider (3,556,158) to add opposing open ends with a pipe protruding from them to Nachbauer. Nachbauer "...is configured to secure a building water faucet from unauthorized use," (Abstract, lines 1-2). Such a combination would completely defeat the purpose of Nachbauer because the pipe would be exposed, permitting unauthorized use. Unlike Nachbauer, the current invention allows one enclosed pipe to protrude from both ends. Unlike the other cited prior art, the current invention pivotably attaches its left side and right side to one another, facilitating installation and future access to the enclosed pipe without requiring complete disassembly of the insulated pipe concealer. The dependent claims 18-20 add additional novel features to the independent claims recited above and thus are submitted to be a-fortiori, patentable.

The dependent claims 2-6, 8-15, and 18-20 add additional novel features to the independent claims recited above and thus are submitted to be a-fortiori, patentable. Claim 2 recites the pipe sleeve being substantially rectangular. Claim 3 recites the pipe sleeve being approximately 10 feet long. Claim 4 recites the pipe sleeve being approximately 2 inches deep and 3 inches wide. Claim 5 recites the channel being adapted to receive refrigeration pipes. Claim 6 recites the pipe sleeve being approximately 2 inches deep and 4-6 inches wide. Claim 8 recites the latch being a snap latch. Claim 9 recites the exterior of the pipe sleeve being colored. Claim 10 recites the exterior of the pipe sleeve being textured. Claim 11 recites the pipe sleeve being

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polyvinyl chloride. Claim 12 recites the insulation being a foam insulation. Claim 13 recites the hinge flap being adapted to attach to the outside wall of a house. Claim 14 recites the channel being adapted to receive two pipes. Claim 15 recites the channel being adapted to receive three or more pipes. Claim 18 recites the pipe sleeve being substantially rectangular. Claim 19 recites the pipe sleeve being approximately 10 feet long. Claim 20 recites the pipe sleeve being approximately 2 inches deep and 3 inches wide.

In view of the above, it is respectfully submitted that:

Claims 1-6 and 8-20, as amended, recite distinctions that are of patentable merit under 35 U.S.C. 103(a) for the independent claims and thus for each dependent claim as well. Specifically, a pipe sleeve with opposing open ends and a channel having opposing ends such that the pipe protrudes from the opposing open ends of the channel and the opposing open ends of the pipe sleeve was unsuggested among the prior art references.

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Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,



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Date: August 16, 2004

Certificate of Facsimile

I hereby certify that this correspondence is being transmitted by fax to the United States Patent and Trademark Office on the date shown below.

Anthony Edw. J Campbell



Monday, August 16, 2004